

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 14-4499

Caption [use short title]

Motion for: Joint Motion to Adjourn Oral Argument

Smulley v. Mutual of Omaha, et al.

Set forth below precise, complete statement of relief sought:

The Defendants-Appellees respectfully request this honorable court
to reschedule oral argument currently set down for December 17,
2015 such that the parties may finalize the contemplated settlement.

MOVING PARTY: IMAGINEERS LLC and ORONOQUE SHORES CONDOMINIUM ASSOCIATION NO. 1, INC.
 Plaintiff Defendant
 Appellant/Petitioner Appellee/Respondent

MOVING ATTORNEY: Troy A. Bataille, Esq.

[name of attorney, with firm, address, phone number and e-mail]

Troy A. Bataille, Goldberg Segalla, LLP, 100 Pearl Street, Hartford, Dorothy A. Smulley, 408 Bar Harbour Rd., Stratford, CT 06614
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Court-Judge/Agency appealed from: Judge Jeffrey A. Meyer at U.S. District Court for the/ District of Connecticut

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):
 Yes No (explain): This is a Joint Motion for all Defendants-Appellees; Pro-Se Plaintiff-Appellant did not respond to request for consent.

Opposing counsel's position on motion:
 Unopposed Opposed Don't Know

Does opposing counsel intend to file a response:
 Yes No Don't Know

Is oral argument on motion requested? Yes No (requests for oral argument will not necessarily be granted)

Has argument date of appeal been set? Yes No If yes, enter date: December 17, 2015

Signature of Moving Attorney:
/s/Troy A. Bataille Date: 12/08/2015

Service by: CM/ECF Other [Attach proof of service]

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

DOROTHY A. SMULLEY,	:	
	:	
Plaintiff-Appellant	:	USCA DOCKET
v.	:	
	:	14-4499cv
MUTUAL OF OMAHA BANK, ERIN BOWEN	:	
aka ERIN KREMSE, ERIN ALICTA,	:	
WEBSTER FINANCIAL CORP. dba WEBSTER	:	
BANK, ZELDES, NEEDLE & COOPER PC,	:	
IMAGINEERS LLC, and ORONOQUE SHORES	:	DECEMBER 7, 2015
CONDOMINIUM ASSOCIATION NO. 1 INC.,	:	
	:	
Defendants--Appellees	:	

JOINT MOTION TO
ADJOURN ORAL ARGUMENT

The Defendants-Appellees in the above captioned matter hereby jointly move this honorable court to adjourn oral argument currently scheduled for December 17, 2015. Six of the seven Defendants-Appellees are actively negotiating a settlement with the *pro se* Plaintiff-Appellant, which settlement would obviate the need for oral argument.

Specifically, in addition to the above captioned appeal, there are four lawsuits currently pending in the Connecticut Superior Court arising from the same underlying facts and involving substantially the same parties. The *pro se* Plaintiff-Appellant and the Defendants-Appellees are working to settle all pending litigation, both state and federal, and have already exchanged draft settlement documents. The contemplated agreement, however, requires multiple related acts by third-parties including a land survey. Even if the related acts are scheduled as quickly as possible, the execution of the final settlement agreement will extend beyond December 17, 2015.

Accordingly, the undersigned on behalf of all the Defendants-Appellees respectfully requests this honorable court to reschedule oral argument such that the parties may finalize the contemplated settlement.

DEFENDANTS-APPELLEES,
IMAGINEERS LLC and ORONOQUE
SHORES CONDOMINIUM ASSOCIATION
NO. 1, INC.

By: 

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CERTIFICATION

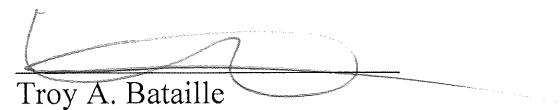
I hereby certify that on December 7th, 2015, a copy of the foregoing Motion to Adjourn was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by email to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

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(*Pro se* plaintiff)

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